

Chapter XLI

PERSONNEL BY-LAW

(As amended under Article Fifth of the Annual May 1, 2007 Town Meeting)
Effective Date July 01, 2007

Editor's Note:

The document entitled "Town of Topsfield Personnel Rules, Regulations and Procedures" is on file with the Topsfield Board of Selectmen and may be viewed and/or procured in said office. See Section 7.0 as to procedures of adoption of personnel rules and regulations and Section 10.0 as to effective dates of said adoptions.

1.0 Purpose and intent

The purpose of this Personnel By-Law is to establish a system of personnel administration based on merit principles that ensures a uniform, fair and efficient application of personnel policies. The intent of this By-Law is to provide a method of recruitment, selection and development of a work force that is skilled and effective in accomplishing the service delivery missions of the Town. Personnel actions are to be taken without regard to sex, race, religion, color, age as defined by law, handicap, sexual orientation, political affiliation or other non-job related factor, and shall be based on merit and fitness.

2.0 Statutory authority

This Personnel By-Law is adopted pursuant to the authority granted by the so-called Home Amendment, Article LXXXIX, of the Constitution of the Commonwealth and MGL c. 41, §§ 108A and 108C.

3.0 Applicability

All Town departments and positions shall be subject to the provisions of this chapter and any regulations adopted pursuant to this chapter, excluding elected officers of the Town of Topsfield and school department employees. To the extent that any collective bargaining agreement conflicts with any provision of this chapter with respect to employees covered under such labor agreements, the provisions of the collective bargaining agreement shall prevail.

4.0 Effect on prior laws and other policies

Except as otherwise specifically provided herein, this personnel By-Law and any and all rules, regulations and policies adopted pursuant to its provisions are intended to supersede any other previously adopted Personnel By-Law or other regulations or policies.

5.0 Personnel Director

- a. In accordance with Chapter II, Article X, section 67-1d of the Town Code, the Town Administrator shall be the Town's Personnel Director and shall administer the Town's Personnel By-Law. A classification plan;
- b. A compensation plan;
- c. Development of a centralized record keeping system;
- d. Personnel rules and regulations which indicate the rights and obligations of employees;
- e. Disciplinary procedures;
- f. Establishment of a Personnel Appraisal System
- g. And other elements that are deemed necessary.

7.0 Adoption of personnel rules and regulations

Personnel rules and regulations defining the rights, benefits and obligations of employees subject to this chapter shall be adopted or amended as follows:

a. Preparation of rules and regulations.

- 1 The Personnel Director shall prepare proposed personnel rules and regulations. Any member of the Board of Selectmen, any appointing authority or any 2 or more employees may suggest rules and regulations for consideration by the Personnel Director. The Personnel Director need not consider any proposal already considered in the preceding 6 months.
- 2 Any person suggesting new or amended rules and regulations shall provide the substance and reason for the rule or regulation change in writing.

b. Public meeting.

The Personnel Director shall hold a public meeting on suggested rules and regulations. Any suggested rules and regulations or amendments to rules and regulations shall be posted in the office of the Personnel Director and on the Town Clerk's bulletin Board at least 5 business days prior to the public meeting at which such suggestions are to be considered. The Personnel Director shall submit a copy of any suggested rules or regulations to the Board of Selectmen.

c. Personnel Director action on suggested rules and regulations.

Within a reasonable period of time after the public meeting on any suggested rule or regulation, the Personnel Director shall determine if the suggested rules or regulations shall be recommended for adoption by the Board of Selectmen.

d. Action by the Board of Selectmen.

The Personnel Director shall transmit any recommendations for the adoption of personnel rules and regulations or amendments in writing, including the text of any proposed rules and regulations, to the Board of Selectmen. The Board of Selectmen shall consider the recommendations of the Personnel Director and may adopt or reject the recommendations; provided, however, that if the Board of Selectmen fails to act, recommended rules and regulations shall be deemed adopted upon the expiration of 45 days from the date of transmittal of the recommendations to the Board of Selectmen.

e. Posting of rules and regulations.

The Board of Selectmen shall cause the posting of the text of adopted rules and regulations in prominent work locations, and should distribute such amended rules and regulations to all employees.

f. Official record.

The Personnel Director shall maintain a compilation of all personnel rules and regulations adopted by the Board of Selectmen. A copy of such compilation shall also be maintained by the Town Clerk.

8.0 Personnel Advisory Committee

The Personnel Director shall appoint a Personnel Advisory Committee consisting of a minimum of three (3) residents of the Town and one (1) active salaried full time employee. In order to provide for a reasonable transition from the prior Personnel Board to the Personnel Advisory Committee, the incumbent members of the Personnel Board shall remain to form the first Personnel Advisory Committee. However, thereafter, no elected officials and no members of any board or committee having the charge of the expenditure of money shall be appointed to the

Committee. Members shall be residents of the Town and shall serve without compensation. In making appointments, the Personnel Director shall take into consideration the personal qualifications of those citizens who will best meet the responsibility of the Committee to represent both the employees and the taxpayers. The Committee shall include members who are professionally qualified and who are familiar with the principles and experienced in the methods and practices of personnel administration and labor relations.

The Committee shall hold meetings at least once a quarter at such times as it may determine. Additional meetings may be held at such times as the Committee may determine to deal with matters before it.

The purpose of the Personnel Advisory Committee is to serve in an advisory capacity to the Board of Selectmen, Personnel Director and appropriate Town agencies and committees on non-union personnel policy issues referred to it by the Personnel Director. The Committee shall review and recommend changes for consideration by the Personnel Director and Selectmen on proposed personnel policies and practices, compensation and fringe benefit policies and/or practices, and organizational changes recommended to the Selectmen by the Personnel Director.

Notwithstanding the provisions of section 8.0, however, in order to provide for a reasonable transition, the Personnel Advisory Committee existing on the effective date of this Bylaw shall constitute the first Personnel Advisory Committee under this Bylaw, such members to serve at the pleasure of the Board of Selectmen.

9.0 Severability

The provisions of this chapter and any regulations adopted pursuant to this chapter are severable. If any chapter provision or regulation is held invalid, the remaining provisions of the chapter or regulations shall not be affected thereby.

10.0 Effective date

- a. This chapter shall take effect on July 1, 2007.
- b. Upon the effective date of this Bylaw, the personnel rules and regulations prepared in anticipation of the passage of this Bylaw, dated March 2007, and entitled "Town of Topsfield: Personnel Rules, Regulations and Procedures" shall become effective to the extent that such rules and regulations have been approved by the Board of Selectmen. Such personnel rules and regulations shall remain in full force and effect until amended or revised in accordance with 7.0 of this Bylaw and shall supersede other personnel rules and regulations that may be in effect.

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